

JEFFREY AUGUST EISENACH

Education

Ph.D. in Economics, University of Virginia, 1985
B.A. in Economics, Claremont McKenna College, 1979

Professional Experience

Chairman, Criterion Economics, LLC, June 2006-present
Chairman, The CapAnalysis Group, LLC, July 2005-May 2006
Executive Vice Chairman, The CapAnalysis Group, LLC, February 2003-July 2005
President, The Progress & Freedom Foundation, June 1993-January 2003
Executive Director, GOPAC, July 1991-May 1993
President, Washington Policy Group, Inc., March 1988-June 1991
Director of Research, Pete du Pont for President, Inc., September 1986-February 1988
Executive Assistant to the Director, Office of Management and Budget, 1985-1986
Special Advisor for Economic Policy and Operations, Office of the Chairman, Federal Trade Commission, 1984-1985
Economist, Bureau of Economics, Federal Trade Commission, 1983-1984
Special Assistant to James C. Miller III, Office of Management and Budget/Presidential Task Force on Regulatory Relief, 1981
Research Associate, American Enterprise Institute, 1979-1981
Consultant, Economic Impact Analysts, Inc., 1980
Research Assistant, Potomac International Corporation, 1978

Teaching Experience

Adjunct Professor, George Mason University School of Law, 2000-present (Courses Taught: The Law and Economics of the Digital Revolution; Seminar in Government Regulation)
Adjunct Lecturer, Harvard University, John F. Kennedy School of Government, 1995-1999 (Course Taught: The Role of Government in the 21st Century)
Adjunct Professor, George Mason University, 1989 (Course Taught: Principles of Economics)
Adjunct Professor, Virginia Polytechnic Institute and State University, 1985, 1988 (Courses Taught: Graduate Industrial Organization, Principles of Economics)
Instructor, University of Virginia, 1983-1984 (Courses Taught: Value Theory, Antitrust Policy)
Teaching Assistant, University of Virginia, 1982-1983 (Courses Taught: Graduate Microeconomics, Undergraduate Macroeconomics)

Awards, Activities and Concurrent Positions

Member, Board of Advisors, Pew Project on the Internet and American Life, 2002-present
Member, Board of Directors, The Progress & Freedom Foundation, 1993-present
Member, Attorney General's Identity Theft Task Force, Virginia, 2002
Member of the Board of Directors, Privacilla.com, 2002-2003
Member, Executive Board of Advisors, George Mason University Tech Center, 2001-2004
Contributing Editor, *American Spectator*, 2001-2002
Member, Bush-Cheney Transition Advisory Committee on the FCC, 2001
Member, Governor's Task Force on E-Communities, State of Virginia, 2000-2001
Member, 2000-2001 Networked Economy Summit Advisory Committee, 1999-2001
Member, Board of Directors, Internet Education Foundation, 1998-2003
Member, Internet Caucus Advisory Committee, 1998-2003
Member, American Assembly Leadership Advisory Committee, 1996-2002

Member, Commission on America's National Interests, 1995-2000
Adjunct Scholar, Hudson Institute, 1988-1991
Visiting Fellow, Heritage Foundation, 1988-1991
President's Fellowship, University of Virginia, 1981-1984
Earhart Foundation Fellowship, University of Virginia, 1981-1983
Member, Reagan-Bush Transition Team on the Federal Trade Commission, 1981
Henry Salvatori Award, Claremont Men's College, 1979
Frank W. Taussig Award, American Economic Association, 1978

Publications and Major Presentations

- "Sell Globally, Sue Locally: The Growing Perils of Global 'Dominance,'" Antitrust Section, Ohio State Bar Association, October 27, 2006.
- "The Growing Global Perils of 'Dominance,'" Aspen Summit Conference, August 21, 2006.
- "Economic and Regulatory Implications of Unregulated Entry in the Canadian Mortgage Insurance Market," Criterion Economics, LLC, June 20, 2006.
- "Telecoms in Turmoil: What We Know and (Mostly) Don't Know About the Telecom Marketplace in 2006," National Regulatory Conference, May 11, 2006
- "The FCC's Further Report on A La Carte Pricing of Cable Television," (with R. Ludwick) The CapAnalysis Group, LLC, Washington, DC, March 6, 2006.
- "Mandatory Unbundling in the U.S.: Lessons Learned the Hard Way," Telstra Corporation, November 25, 2005.
- "The EX-IM Bank's Proposal to Subsidize the Sale of Semiconductor Manufacturing Equipment to China: Updated Economic Impact Analysis," (with J.C. Miller III, R. Ludwick) The CapAnalysis Group, LLC, Washington, DC, November 2005.
- "Retransmission Consent and Cable Television Prices," (with D. Trueheart) The CapAnalysis Group, LLC, Washington, DC, March 2005.
- "The EX-IM Bank's Proposal to Subsidize the Sale of Semiconductor Manufacturing Equipment to China: An Economic Impact Analysis," (with J.C. Miller III, R. Ludwick, O. Grawe) The CapAnalysis Group, LLC, Washington, DC, January 2005.
- "Reagan's Economic Policy Legacy," (with J.C. Miller III), *The Washington Times*, August 8, 2004.
- "Peer-to-Peer Software Providers' Liability Under Section 5 of the FTC Act," (with J.C. Miller III, L. Fales, C. Webb) The CapAnalysis Group, LLC and Howrey LLP, Washington, DC, April 2004.
- "Mandatory Unbundling: Bad Policy for Prison Payphones," (with D. Trueheart, J. Mrozek) The CapAnalysis Group, LLC, Washington, DC, March 2004.
- "UNE Rates Do Not Reflect Underlying Costs: A Rebuttal to Ekelund and Ford," (with J. Mrozek), January 30, 2004.
- "Do UNE Rates Reflect Underlying Costs?" (with J. Mrozek) The CapAnalysis Group, LLC, Washington, DC, December 2003.
- "Rising Cable TV Rates: Are Programming Costs the Villain?" (with D. Trueheart) The CapAnalysis Group, LLC, Washington, DC, October 2003.
- "Do Right by Minority Farmers," *The Washington Times*, July 17, 2003.
- "The Fourth 'S': Digital Content and the Future of the IT Sector," Federal Communications Bar Association, May 2, 2003.
- "Economic Implications of the FCC's UNE Decision: An Event Analysis Study," (with J.C. Miller III, P. Lowengrub) The CapAnalysis Group, LLC, Washington, DC, April 2003.
- "Telecom Deregulation and the Economy: The Impact of 'UNE-P' on Jobs, Investment and Growth" (with T. Lenard) *Progress on Point 10.3*, The Progress & Freedom Foundation, January 2003.
- "Pruning the Telecom Deadwood," *Washington Times*, November 1, 2002.
- "The Real Telecom Scandal," *Wall Street Journal*, September 30, 2002.
- "Ensuring Privacy's Post-Attack Survival," *CNET News.com*, September 11, 2002.

"The CLEC Experiment: Anatomy of a Meltdown," (with L. Darby and J. Kraemer) *Progress on Point 9.23*, The Progress & Freedom Foundation, September 2002.

"One Step Closer to 3G Nirvana," *CNET News.com*, August 6, 2002.

The Digital Economy Fact Book 2002, (with W. Adkinson Jr. and T. Lenard) The Progress & Freedom Foundation, August 2002.

"Reviving the Tech Sector," *The Washington Times*, July 10, 2002.

"Restoring IT Sector Growth: The Role of Spectrum Policy in Re-Invigorating 'The Virtuous Circle,'" National Telecommunications and Information Administration Spectrum Summit, April 2, 2002.

"The Debate Over Digital Online Content: Understanding the Issues," (with W. Adkinson, Jr.) *Progress on Point 9.14*, The Progress & Freedom Foundation, April 2002.

"Electricity Deregulation After Enron," *Progress on Point 9.11*, The Progress & Freedom Foundation, April 2002.

Privacy Online: A Report on the Information Practices and Policies of Commercial Web Sites, (with W. Adkinson, Jr., T. Lenard) The Progress & Freedom Foundation, March 2002.

"Profiting From a Meltdown," The Progress & Freedom Foundation, March 11, 2002.

"Watching the Detectives," *The American Spectator*, January/February 2002.

"Political Privacy: Is Less Information Really Better?" *Progress on Point 9.2*, The Progress & Freedom Foundation, January 2002.

"Broadband Chickens in Age of the Internet," *The Washington Times*, March 11, 2002.

"Can Civil Liberties Survive in a Society Under Surveillance?" *Norfolk Virginian-Pilot*, November 18, 2001.

"Restoring IT Sector Growth-Why Broadband, Intellectual Property and Other E-Commerce Issues Are Key to a Robust Economy," Remarks, August 2001.

The Digital Economy Fact Book 2001, (with T. Lenard, S. McGonegal) The Progress & Freedom Foundation, August 2001.

"Communications Deregulation and FCC Reform: Finishing the Job," (with R. May), in *Communications Deregulation and FCC Reform: What Comes Next?* (ed., with R. May) Kluwer Academic Publishers and The Progress & Freedom Foundation, 2001.

"Microsoft Case: There Are Still Antitrust Laws," *Newport News Daily Press*, July 6, 2001.

"Dear Diary: There's Still an Antitrust Law," *Los Angeles Times*, June 29, 2001.

"Lost in Cyberspace? Does the Bush Administration Get the New Economy?" *The American Spectator*, June 2001.

"Local Loop: NASDAQ Noose, Al Gore's Internet Socialism is Choking the Technology Sector," *The American Spectator*, April 2001.

"Local Loop, High-Tech Noose," *The American Spectator*, March 2001.

"Rescue Opportunity at the FCC," *The Washington Times*, February 4, 2001.

"Does Government Belong in the Telecom Business?" *Progress on Point 8.1*, The Progress & Freedom Foundation, January 2001.

"Economic Anxieties in High-Tech Sector," *The Washington Times*, December 12, 2000.

The Digital State 2000, (with T. Lenard) The Progress & Freedom Foundation, September 2000.

The Digital Economy Fact Book 2000, (with T. Lenard, S. McGonegal) The Progress & Freedom Foundation, August 2000.

"Critics Fear Surveillance of Web Surfers Compromising Personal Privacy," *Progress on Point 7.11*, The Progress & Freedom Foundation, July 2000.

"Access Charges and The Internet: A Primer," *Progress on Point 7.9*, The Progress & Freedom Foundation, June 2000.

"The Need for a Practical Theory of Modern Governance," *Progress on Point 7.7*, The Progress & Freedom Foundation, May 2000.

"The Microsoft Monopoly: The Facts, the Law and the Remedy," (with T. Lenard) *Progress on Point 7.4*. The Progress & Freedom Foundation, April 2000.

"Remarks at the 2000 Global Internet Summit," March 14, 2000.

"Nation's Conservatives Should Support a Breakup of Microsoft," *The Union Leader & New Hampshire Sunday News*, February 22, 2000.

"Regulatory Overkill: Pennsylvania's Proposal to Breakup Bell Atlantic," (with C. Eldering, R. May) *Progress on Point 6.13*, The Progress & Freedom Foundation, December 1999.

Digital New Hampshire: An Economic Factbook, (with R. Frommer, T. Lenard) The Progress & Freedom Foundation, December 1999.

"Benefits Riding on a Breakup," *The Washington Times*, November 14, 1999.

"Is There a Moore's Law for Bandwidth?" (with C. Eldering, M. Sylla), *IEEE Communications Magazine*, October 1999.

"The High Cost of Taxing Telecom" *Progress on Point 6.6*, The Progress & Freedom Foundation, September 1999.

The Digital Economy Fact Book, (with A. Carmel and T. Lenard), The Progress & Freedom Foundation, August 1999.

"Creating the Digital State: A Four Point Program," *Progress on Point 6.4*, The Progress & Freedom Foundation, August 1999.

"How to Recognize a Regulatory Wolf in Free Market Clothing: An Electricity Deregulation Scorecard," (with T. Lenard) *Progress on Point 6.3*, The Progress & Freedom Foundation, July 1999.

Competition, Innovation and the Microsoft Monopoly: Antitrust in the Digital Marketplace, (ed., with T. Lenard), Kluwer Academic Publishers, 1999.

"Still Wondering What Cyberspace is All About?" *Insight on the News*, Vol. 15, No. 11, March 22, 1999.

"The Digital State: Remarks on Telecommunications Taxes," Address before the Winter Meeting of the National Governors Association, February 21, 1999.

"Computer Industry Flexes Its Muscle," *Intellectual Capital.com*, January 28, 1999.

"Into the Fray: The Computer Industry Flexes Its Muscle on Bandwidth," *Progress on Point 5.9*, The Progress & Freedom Foundation, December 1998.

"Surprise: Even in Electricity, the Market Works," The Progress & Freedom Foundation, Nov. 1998.

"The Digital Economy," Address at the George Mason University Conference on The Old Dominion and the New Economy, November 1998.

"Finally! An 'Electricity Deregulation' Bill That Deregulates," *Progress on Point 5.7*, The Progress & Freedom Foundation, October 1998.

"A Convergence Strategy for Telecommunications Deregulation," Address at the United States Telephone Association's Large Company Meeting, September 1998.

"Time to Junk the Telecom Act," *Investor's Business Daily*, July 23, 1998.

"Consumers Win in Mergers," *Denver Post*, July 5, 1998.

"Microsoft's Morality Play," *News.com*, March 11, 1998.

"California Will Soon Be Eating Dust," *Forbes Magazine*, August 1997.

"Watch Out for Internet Regulation," *The Washington Times*, July 9, 1997.

"Time to Walk the Walk on Telecom Policy," *Progress on Point 4.3*, The Progress & Freedom Foundation, July 1997.

"Ira Magaziner Targets the Internet," *The Washington Times*, March 26, 1997.

"Revolution -- or Kakumei" *Forbes ASAP*, December 1996.

"Digital Charity," *Intellectual Capital.com*, November 28, 1996.

"The FCC and the Telecommunications Act of 1996: Putting Competition on Hold?" (with G. Keyworth), *Progress on Point 2.1*, The Progress & Freedom Foundation, October 1996.

"Forebearance, Self-Certification and Privatization," (with J. Gattuso, et al) *Future Insight No. 3.2*, The Progress & Freedom Foundation, May 1996.

"Privatizing the Electromagnetic Spectrum," (with R. Crandall, et al) *Future Insight No. 3.1*, The Progress & Freedom Foundation, April 1996.

"Broadcast Spectrum: Putting Principles First," (with R. Crandall et al) *Progress on Point 1.9*, The Progress & Freedom Foundation, January 1996.

"Those GOP Blockheads Just Don't Get It; Block Grants Are Merely Another Bogus Solution," *The Washington Post*, September 3, 1995.

The People's Budget, (with E. Dale, et al), Regnery Publishing, 1995.

The Telecom Revolution: An American Opportunity, (with G. Keyworth, et al) Progress & Freedom Foundation, 1995.

"Replace, Don't Reinvent, HUD," *The Wall Street Journal*, May 11, 1995.

"How (Not) to Solve the Liability Crisis," in P. McGuigan, ed., *Law, Economics & Civil Justice Reform: A Reform Agenda for the 1990's*, Free Congress Foundation, 1995.

"The Future of Progress," *Future Insight 2.3*, The Progress & Freedom Foundation, May 1995.

"Poor Substitute," (with P. du Pont), *National Review*, December 31, 1994.

"American Civilization and the Idea of Progress," in D. Eberly, ed., *Building a Community of Citizens: Civil Society in the 21st Century*, University Press of America, 1994.

Readings in Renewing American Civilization, (ed. with S. Hanser) McGraw-Hill, Inc, 1993.

America's Fiscal Future 1991: The Federal Budget's Brave New World, Hudson Institute, 1991.

"Just Say No To More Drug Clinics," *St. Louis Post-Dispatch*, June 14, 1991.

"Drug Rehab Funding is No Panacea," *Chicago Tribune*, June 7, 1991.

Winning the Drug War: New Challenges for the 1990's, (ed.) The Heritage Foundation, Washington, DC, 1991.

Drug-Free Workplace Policies for Congressional Offices, (ed.) The Heritage Foundation, Washington, DC, 1991.

"Fighting Drugs in Four Countries: Lessons for America?" *Backgrounder 790*, The Heritage Foundation, Washington, DC, September 24, 1990.

America's Fiscal Future: Controlling the Federal Deficit in the 1990's, Hudson Institute, 1990.

"The Vision Thing, Conservatives Take Aim at the '90's," *Policy Review 52*, Spring 1990.

"Drug Legalization: Myths vs. Reality," *Heritage Backgrounder 122*, The Heritage Foundation, Washington, DC, January 1990.

"How To Ensure A Drug-Free Congressional Office," The Heritage Foundation, Washington, DC, January 1990.

"A White House Strategy for Deregulation," in *Mandate for Leadership III*, The Heritage Foundation, Washington, DC, 1989.

"From George Bush, A Convincing Declaration of War on Drugs," *Executive Memorandum No. 250*, The Heritage Foundation, Washington, DC, September 14, 1989.

"What States Can Do To Fight The Drug War," *The Washington Times*, September 4, 1989.

"Winning the Drug War: What the States Can Do," *Heritage Backgrounder 715/S*, July 7, 1989.

"Congress: Reform or Transform," (with P. McGuigan) *Washington Times*, June 12, 1989.

"How To Win The War on Drugs: Target The Users," *USA Today*, January 1989.

"Invest Social Security Surplus in Local Project Bonds," *Wall Street Journal*, January 4, 1989

The Five-Year Budget Outlook, Hudson Institute, 1988.

"Why America is Losing the Drug War," *Heritage Backgrounder 656*, June 9, 1988.

"The Government Juggernaut Rolls On," *Wall Street Journal*, May 23, 1988.

"Selectivity Bias and the Determinants of SAT Scores," (with A. Behrendt and W. Johnson) *Economics of Education Review 5:4*, 1986.

The Role of Collective Pricing in Auto Insurance, Federal Trade Commission, Bureau of Economics Staff Study, 1985.

"Warranties, Tie-ins, and Efficient Insurance Contracts: A Theory and Three Case Studies," (with R. Higgins and W. Shughart II), *Research in Law and Economics 6*, 1984.

"Is Regulatory Relief Enough?" (with Marvin H. Kosters), *Regulation 6*, March/April 1982.

"Regulatory Relief Under Ronald Reagan," (with James C. Miller III), in Wayne Valis, ed., *The Future Under President Reagan*, Westport, Conn.: Arlington House, 1981.
"Price Competition on the NYSE," (with James C. Miller III), *Regulation* 4, Jan./Feb. 1981.

Testimony, Government Filings and Expert Reports

In re: ACLU v. Gonzales, Civil Action No. 98-CV-5591, E.D. Pa., Rebuttal Report (July 6, 2006)
In re: ACLU v. Gonzales, Civil Action No. 98-CV-5591, E.D. Pa., Expert Report (May 8, 2006)
In re: Emerging Communications Shareholder Litigation, "The Valuation of Emerging Communications: An Independent Assessment" (with J. Mrozek and L. Robinson), Court of Chancery for the State of Delaware (August 2, 2004)
In the Matter of Review of the Commission's Rules Regarding the Pricing of Unbundled Network Elements and the Resale of Service by Incumbent Local Exchange Carriers, WC Docket No. 03-173, Declaration of Jeffrey A. Eisenach and Janusz R. Mrozek, Federal Communications Commission (December 2003)
In the Matter of Disposition of Down Payments and Pending Applications Won During Auction No. 35 for Spectrum Formerly Licensed to NextWave Personal Communications, Inc., NextWave Power Partners, Inc. and Urban Comm – North Carolina, Inc., Federal Communications Commission, (October 11, 2002)
In the Matter of Echostar Communications Corporation, General Motors Corporation, and Hughes Electronics Corporation, Federal Communications Commission (February 4, 2002)
In the Matter of United States v. Microsoft Corp. and New York State v. Microsoft Corp., Proposed Final Judgment and Competitive Impact Statement (with T. Lenard), U.S. Department of Justice, Civil Action No. 98-1232 and 98-1233 (January 28, 2002)
In the Matter of Implementation of Section 11 of the Cable Television Consumer Protection and Competition Act of 1992 (with R. May), Federal Communications Commission (January 4, 2002)
In the Matter of Request for Comments on Deployment of Broadband Networks and Advanced Telecommunications (with R. May), National Telecommunications and Information Administration (December 19, 2001)
In the Matter of Implementation of the Telecommunications Act of 1996, Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Consumer Information; Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, As Amended (with T. Lenard and J. Harper), Federal Communications Commission (November 16, 2001)
In the Matter of Flexibility for Delivery of Communications by Mobile Satellite Service Providers (with W. Adkinson), Federal Communications Commission (October 22, 2001)
In the Matter of Deployment of Advanced Telecommunications Capability (with R. May), Federal Communications Commission (October 5, 2001)
In the Matter of Deployment of Advanced Telecommunications Capability (with R. May), Federal Communications Commission (September 24, 2001)
In the Matter of Nondiscrimination in Distribution of Interactive Television Services Over Cable (with R. May), Federal Communications Commission (March 19, 2001)
In the Matter of High-Speed Access to the Internet Over Cable and Other Facilities (with R. May), Federal Communications Commission (December 1, 2000)
Testimony on Federal Communications Commission Reform Before the Committee on Government Reform, Subcommittee on Government Management, Information and Technology, United States House of Representatives (October 6, 2000)
In the Matter of Public Interest Obligations of TV Broadcast Licensees (with R. May), Federal Communications Commission (March 27, 2000)

Testimony on Truth in Billing Legislation Before the Subcommittee on Telecommunications, Trade and Consumer Protection, Committee on Commerce, United States House of Representatives (March 9, 2000)

In the Matter of GTE Corporation, Transferor and Bell Atlantic, Transferee for Consent to Transfer of Control, (with R. May), Federal Communications Commission (February 15, 2000)

Testimony on Reforming Telecommunications Taxes in Virginia, Governor's Commission on Information Technology (October 26, 1999)

Testimony on Telecommunications Taxes, Advisory Commission on Electronic Commerce (September 14, 1999)

In the Matter of GTE Corporation, Transferor and Bell Atlantic, Transferee for Consent to Transfer of Control, Federal Communications Commission (December 23, 1998)

In the Matter of Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996 (with C. Eldering), Federal Communications Commission (September 14, 1998)

Testimony on Section 706 of the Telecommunications Act of 1996 and Related Bandwidth Issues Before the Subcommittee on Communications Committee on Commerce, Science, and Transportation, United States Senate (April 22, 1998)

Testimony on the Impact of the Information Revolution on the Legislative Process and the Structure of Congress Before the Subcommittee on Rules and Organization of the House of the Committee on Rules, United States House of Representatives (May 24, 1996)

Testimony on Efforts to Restructure the Federal Government Before the Committee on Governmental Affairs, United States Senate (May 18, 1995)

Testimony on The Role of the Department of Housing and Urban Development and the Crisis in America's Cities Before the Committee on Banking and Financial Services, United States House of Representatives (April 6, 1995)